CITY OF REDMOND ORDINANCE NO. 2489 (AM)

AN ORDINANCE OF THECITY OF REDMOND, WASHINGTON, ADOPTING A NEW CHAPTER IN TITLE 20D OF THE REDMOND MUNICIPAL CODE AND REDMOND COMMUNITY DEVELOPMENT GUIDE CALLED CAPACITY TRANSIT CORRIDOR PRESERVATION REGULATIONS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Redmond supports the extension of light rail to Overlake and Downtown Redmond; and

WHEREAS, on April 1, 2008, the City Council adopted Ordinance No. 2392, which includes Comprehensive Plan policies and maps identifying a preferred light rail alignment in Downtown Redmond and next steps associated with facilitating the extension of light rail; and

WHEREAS, Comprehensive Plan policy TR-30.5, adopted as part of Ordinance No. 2392, directs the City to secure necessary right-of-way for light rail once a preferred alignment has been selected; and

WHEREAS, the City Council selected and described its preferred alignment for Downtown Redmond and Overlake in a letter to Sound Transit dated April 1, 2009; and

WHEREAS, on May 14, 2009, the Sound Transit Board adopted motion M2009-41, selecting preferred alignments for all East Link light rail segments; and

WHEREAS, the City Council's preferred alignment and Sound Transit Board's preferred alignment are substantially the same; and

WHEREAS, the Growth Management Act (36.70A RCW) stipulates that development regulations must implement Comprehensive Plans; and

WHEREAS, on January 8, 2009, the City provided 60-day notice to state agencies reviewing Comprehensive Plan and development regulation updates of this proposed amendment; and

WHEREAS, a State Environmental Policy Act Checklist was prepared and a Determination of Non-significance was issued on January 26, 2009, for the proposed amendment; and

WHEREAS, the Planning Commission conducted a public hearing beginning July 22, 2009, and ending August 12, 2009, to receive public comment on the proposed amendment; and

WHEREAS, the Planning Commission concluded that the regulations included herein facilitate the extension of light rail to Redmond, advance existing transportation and land use plans for Overlake and Downtown, and enhance predictability for property owners and developers affected by light rail; and

WHEREAS, the regulations are explicitly related to the extension of light rail, and therefore cannot be used by the agency extending light rail to claim a diminution in property

value at the time that the agency condemns land for light railrelated actions; and

WHEREAS, the City Council held public meetings to review the proposed amendment on September 15, 2009, and October 6, 2009; and

WHEREAS, the City of Redmond desires to amend Title 20D of the Redmond Community Development Guide to establish transit-related setbacks in anticipation of light rail extension to Redmond.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Findings and Conclusions. The City Council hereby adopts the findings and conclusions contained in the Planning Commission Report dated August 26, 2009, including all related attachments and exhibits to that report.

Section 2. New portions of the Redmond Community Development

Guide Enacted. The regulations contained in Exhibit 1 to this

ordinance, incorporated herein as if set forth in full, are hereby

enacted.

Section 3. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of

any other section, sentence, clause, or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect five days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the Redmond City Council this 6th day of October, 2009.

CITY OF REDMOND

OHN MARCHIONE,

ATTEST:

(SEAL)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

FILED WITH THE CITY CLERK: September 28, 2009

PASSED BY THE CITY COUNCIL: October 6, 2009

SIGNED BY THE MAYOR:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. 2489 (AM)

October 6, 2009

October 12, 2009

October 17, 2009

AMENDED 6-1, YES: Allen, Carson, Margeson, McCormick, Myers and Vache

NO: Cole

ADOPTED 7-0: Allen, Carson, Cole, Margeson, McCormick, Myers and Vache

Exhibit 1: High Capacity Transit Corridor Preservation Regulations

20D.XX High Capacity Transit Corridor Preservation

20D.XX.10 Purpose

20D.XX.20 Applicability

20D.XX.30 Transit-related Setbacks

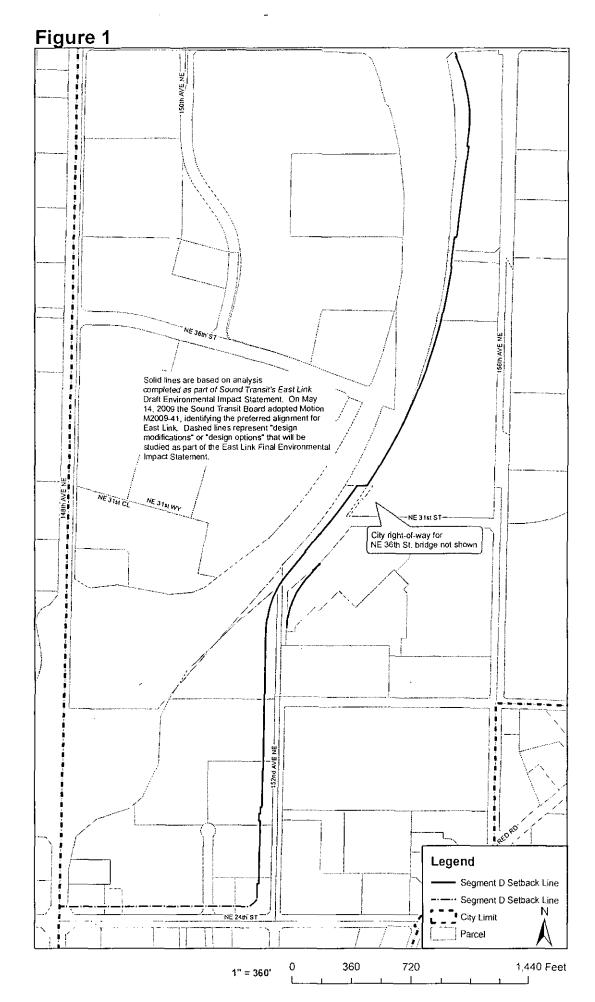
20D.XX.10 Purpose

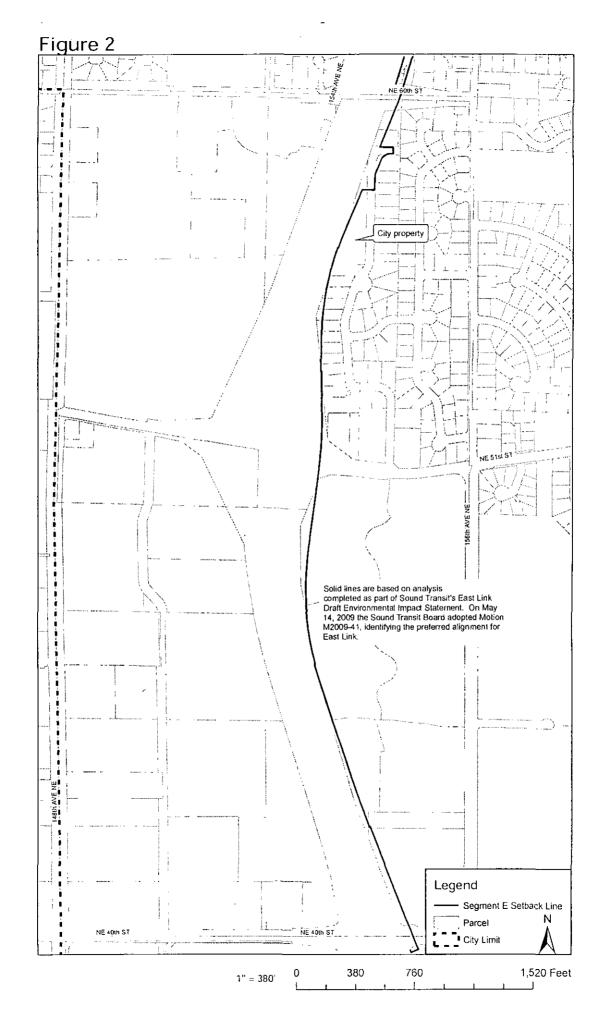
The purpose of this chapter is to support the extension of light rail to Overlake, Southeast Redmond, and Downtown Redmond as part of Sound Transit's East Link Light Rail project or its successor, prevent encroachment of structures into a future transit corridor, and to improve transportation mobility and support land use and transportation strategies in the Comprehensive Plan and Transportation Master Plan.

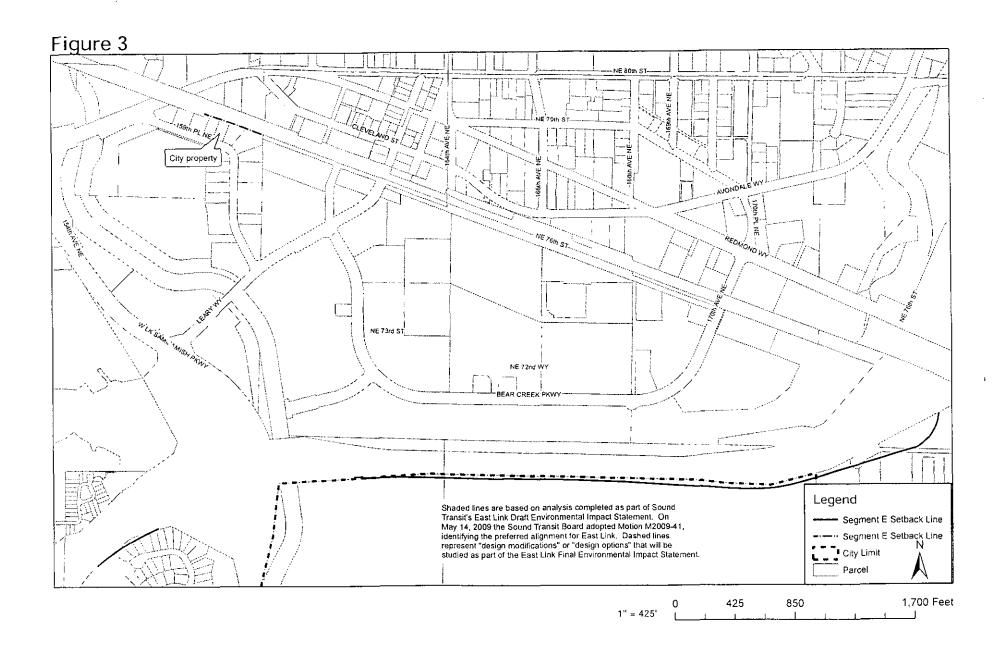
20D.XX.20 Applicability.

20D.XX.20-010 Applicability

- (1) This chapter applies to all properties crossed by or entirely behind transit-related setback lines shown in Figure 1, Figure 2, or Figure 3.
- (2) If, at the end of the East Link Final Environmental Impact Statement process, the Sound Transit Board selects an alignment other than that represented by the transit-related setbacks in this chapter, then the portions of the transit-related setbacks identified in this chapter that are inconsistent with the Board-selected alignment shall no longer apply.







20D.XX.30 Transit-Related Setbacks

20D.XX.30-010 Transit-Related Setbacks

- (1) No new structure may be built, or any existing structure expanded, between the property line and the transit-related setback line shown in Figure 1, Figure 2, or Figure 3. These regulations do not apply to patios, outdoor seating and other easily removable structures.
- (2) The City shall not require transit-related setbacks where permitted structures exist and are proposed to be retained.
- (3) These regulations do not apply when their strict application would deny all reasonable economic use of private property. Anyone seeking relief from strict application of these standards must demonstrate the following to the decision-making body for the land use entitlement application:
 - (a) Strict application of these regulations would prevent all reasonable economic use of the property;
 - (b) There is no feasible and reasonable on-site alternative to the activities proposed; the applicant shall include an analysis of whether there is any practicable on-site alternative to the proposed development with less impact to these regulations, including other allowed uses, reduction in density, phasing of project implementation, change in timing of activities, or related site planning considerations that would allow a reasonable use in conjunction with the application of these regulations; and,
 - (c) The inability to derive reasonable economic use is not the result of the applicant's actions.
- (4) If a reasonable economic use of a site cannot exist without modification of required setbacks, the City shall modify the fixed regulations only to the extent necessary to provide for reasonable use of the property while providing as much setback area for transit as is possible under the circumstances.
- (5) The Technical Committee may expand, reduce, or waive the required setback in order to meet the purpose of this chapter, or to account for site-specific conditions. Expansions shall be substantiated by Sound Transit engineering analysis demonstrating that the expansion supports the purpose of this chapter.
- (6) Where setback regulations in this chapter conflict with setback regulations in other chapters, the most restrictive shall apply.

N:\PLANNING\Comp Plan Update 2008-09\HCT Regulations\CC Review\2009-10-06 Exhibit 1 - High Capacity Transit Corridor Preservation Regulations - as amended.doc